

Chap 213  
03-11854  
WCM

Phone 781 231 2077

# CIVIL SUITH UNITED STATES

## Complaint And

05-10393 GAO

FILED  
IN CLERKS OFFICE  
DISTRICT COURT  
MAR 1  
2005 FEB 29 P 1:53  
DISTRICT COURT  
DISTRICT OF MASS #62403  
RECEIPT #  
AMOUNT \$ 5,000,000  
SUMMONS ISSUED 1  
LOCAL RULE 4.1  
WAIVER FORMS  
MCF ISSUED  
BY DPTY CLK  
DATE 3/1/05

1. PLAINTIFF I Robert Pingaro  
ASK THIS COURT FOR JUSTICE  
CASE I ASK THIS COURT FOR  
ON THIS MATTER IN 1995 I BOUGHT A  
HOUSE + LAND IN THE TOWN OF SAUGUS.  
IN 1999 I FOUND OUT THAT MY HOUSE WAS  
SINKING IN THE GROUND I HAVE BEEN IN BOSTON  
COURT FOR 5 YEARS FIGHTING IN THIS CASE  
IN 201 I FOUND OUT THAT MY LAND  
IS CONTAMINATED AND HOUSE SINKING BECAUSE  
OF THIS THE LOT WAS FILED IN OVER THE  
YEARS BY THE TOWN OF SAUGUS IT IS  
A OLD DUMP SITE THE BUILDING DEPT  
NEW ALL ABOUT THIS BUT DID NOTHING  
BACK THEN THEY ISSUED BUILDING PERMITS  
TO BUILD THIS HOUSE ON THIS DUMP SITE  
OVER FORTY YEARS AGO SO WITHOUT ME  
KNOWING ANY OF THIS I BOUGHT THIS HOUSE  
AT 258 CENTRAL ST SAUGUS MASS 01906 IT  
IS MY HOME IT IS WHERE I LIVE I HAVE  
LOST EVERYTHING BECAUSE OF THIS THAT IS  
WHY I AM FILING THIS LAW SUIT IN THE  
AMOUNT OF 5 MILLION DOLLARS I ASK THIS  
COURT FOR A HEARING ON THIS MATTER

MAGISTRATE JUDGE RBC

Robert Pingaro  
PROCE

ALLEGATION'S 05-10393 GAO

2. The Town of Saugus filed in my lot over the years land contaminated House Sinking. And they knew about it all along and did not do anything about it. They left the lot filled in with red COAL DUST pipe's red METAL. WOOD ALL IN LOT And the Dep is calling the town of Saugus and the Board of Health.

Robert Pungitore PRO ce  
258 Central St  
Saugus MASS 01906

Robert Pignaro  
258 Central St  
Saugus Mass 01906  
Proce Plaintiff

## Jurisdiction

This court has Jurisdiction over this  
matter pursuant to 28 U.S.C. § 1332

05-10393 GAO

3.

Plaintiff I Am A Resident Of This Town Of  
Saugus MASS County MASSachusetts  
And I Was Borned In United States

Plaintiff's Robert Pignaro  
258 Central St  
Saugus Mass 01906

Defendants Town Of Saugus  
Saugus Mass  
And The Building Dept  
United States

Robert Pignaro Proce

# Relief

05-10393 GAO

I ASK THIS COURT FOR  
A HEARING ON THIS MATTER  
AND ALSO A 5 MILLION DOLLAR'S <sup>IN</sup> SUIT.  
BECAUSE I HAVE LOST EVERYTHING  
IN THIS CASE. IT IS ALL

IN APPRAISER REPORT AND  
MORE REPORT'S TO COME AND  
ALSO OTHER REPORT I HAVE GAVE  
TO THIS COURT I HAD TO FILE A CHAPTER 7  
IN 201 BECAUSE MY LAND IS CONTAMINATED  
AND IN 203 CHAPTER 13 BECAUSE MY HOUSE  
IS SINKING. MY CREDIT IS GONE MY MONEY  
IS GONE BECAUSE OF THIS. IT ALL BECAUSE  
OF THE TOWN OF SAUGUS AND THE BUILDING DEPT  
FILLING IN THIS OLD DUMP SITE AND GETTING AWAY  
WITH IT I ASK THIS COURT FOR JUSTICE IN THIS  
CASE AND ANY RELIEF THIS COURT SEE FIT.

Robert Pappas Rocce

# Sam Stella, Realtors

7 Lincoln Street, Wakefield, MA. 01880  
(781)245-5454 Office (781)224-9778 Fax

February 14, 2005

RE: Property Located At 258 Central Street, Saugus, MA 01960

To Whom It May Concern:

05-10393 GAO

I was asked to do two real estate appraisals on the above named property within the last several years. A clarification of the conclusion of my two reports might be appropriate at this point.

Upon inspection of the legal single family colonial style dwelling, each room on the 1<sup>st</sup> floor was "off the bubble" when I placed a four (4) foot level on the floor. I had a feeling of dizziness (similar to a "fun house") because the floors were so out of level. The glass in most of the windows on the second floor was cracked. Doors did not close properly. The poured concrete basement walls contained cracks in various places (photos enclosed in the appraisals). This indicated that the building at 258 Central Street was on unstable ground.

It was obvious, upon visual inspection of the site (after inspecting the dwelling), that this property was an old neighborhood dump sight for many, many years prior to the improvement (dwelling) being constructed. As I walked down the hill on the east side of the site (70 degree slope into the Saugus River Basin), I observed trash typical of the 1960's. I walked further down the hill and noticed more trash from the 1950's and 1940's. I didn't continue any further.

I spoke to one person at the local town hall and two elderly people in the area who were well aware of 258 Central Street as the neighborhood dump when they were children.

A designated National Historic Site, the Saugus Iron Works, is located no more than one hundred (100) feet away from 258 Central Street, on the same side of the street. The Saugus Iron Works was the oldest iron mill in the country. It was established in 1636. The fuel used to make iron malleable at that time was coal. The by-product of coal was coal dust, often referred to as "dust" or "ash".

It is my conclusion that there is a high degree probably that the lot at 258 Central Street, is not only the old neighborhood dump possibly dating back to the mid to late 1600's, it is a hazardous waste site probably containing ash and many other materials (hazardous or otherwise).

"Market value" as defined by the Federal Home Loan Bank Board (FHLBB) is enclosed in this letter. When reading the enclosed definition, the property at 258 Central Street, Saugus, Essex County, Massachusetts, definitely does not conform to that definition. In this area, a buyer will typically finance the purchase his/her primary residence through a lender and not pay cash. No lender will use the property located at 258 Central Street as collateral for a loan based upon the Seller's 'full disclosure' of these 'material defects'. Therefore, this property according to the definition of "market value" is unmarketable and valueless. A major "clean-up" is probably necessary. Even with a "clean-up", "full disclosure" will be required upon a sale. I doubt very that a lender would give a loan to a typical buyer as collateral for this property after full disclosure of the history and material facts.

Respectfully,

  
Sam Stella, GRI  
MA Real Estate Appraiser's Lic. #651 LA

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS** *Robert Pingen*  
*259 CENTRAL ST*  
*SAUGUS MASS*  
**(b) County of Residence of First Listed Plaintiff** *SAUGUS MASS*  
 (EXCEPT IN U.S. PLAINTIFF CASES)  
**(c) Attorney's (Firm Name, Address, and Telephone Number)**  
*Proce 781 231 2079*

**DEFENDANTS** *TOWN OF SAUGUS*  
*2005 FEB 29 1537 SAUGUS*  
*MASS 01906*  
**County of Residence of First Listed Defendant**  
 U.S. DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS  
 NOTE: IN LAND CONDEMNATION CASES, SET THE LOCATION OF THE  
 LAND INVOLVED.  
**Attorneys (If Known)** *1 781 231 4101*

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- PTF DEF**  
 Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4  
 Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5  
 Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

*Robert Pingen Proce*

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



## ATTACHMENT 3

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) \_\_\_\_\_
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).
- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?
- YES ☐ NO ☐
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)
- YES ☐ NO ☐
- IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?
- YES ☐ NO ☐
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?
- YES ☐ NO ☐
7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).
- YES ☐ NO ☐
- A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?
- EASTERN DIVISION ☐ CENTRAL DIVISION ☐ WESTERN DIVISION ☐
- B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?
- EASTERN DIVISION ☐ CENTRAL DIVISION ☐ WESTERN DIVISION ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

ADDRESS

TELEPHONE NO.

(Att3Cover sheet local.wpd - 11/27/00)